

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

<p>MICHAEL GURULE,  Plaintiff,  vs.  LAKEVIEW HOSPITAL, CHARLES D. WHITE, UNIVERSITY OF UTAH HOSPITAL, SARAH LNU, FNU STONEBURNER,  Defendants.</p>	<p><b>REPORT AND RECOMMENDATION</b></p> <p>Case No. 2:10-CV-1253-CW</p>
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Plaintiff Michael Gurule filed his Complaint in this case on December 23, 2010. (Doc. 3.) Defendant Lakeview Hospital then filed a motion to dismiss. (Doc. 10.)

On April 26, 2011, the Court held a hearing on the motion to dismiss. Counsel for Lakeview Hospital appeared, but Plaintiff did not appear. (Doc. 29.) Plaintiff was mailed the notice of hearing on March 22, 2011, but he did not call or otherwise inform the Court that he did not plan to attend the hearing. (Doc. 23, Record of Notice.)

Following the April 26 hearing, the Court issued an Order to Show Cause, requiring Plaintiff to appear at a hearing on May 11, 2011, to show cause why his Complaint should not be dismissed for failure to appear at the April 26<sup>th</sup> hearing and for failure to

prosecute. (Doc. 30.) Plaintiff was mailed the Court's Order to Show Cause on April 26, 2011. (Doc. 30, Record of Notice.)

On May 11, 2011, the Court held the Show Cause hearing. As before, counsel for Lakeview Hospital appeared, but Plaintiff did not appear at the hearing or notify the Court that he would not be appearing. (Doc. 31.) In addition, Plaintiff never filed a response to the Court's Order to Show Cause.

As a result, **IT IS HEREBY RECOMMENDED** that Plaintiff's case be **DISMISSED** for failure to prosecute. See Fed. R. Civ. P. 41(b); *Meade v. Grubbs*, 841 F.2d 1512, 1520 (10<sup>th</sup> Cir. 1988) (recognizing court's general power to dismiss for failure to prosecute or comply with Federal Rules of Procedure).

Copies of the foregoing Report and Recommendation are being mailed to the parties who are hereby notified of their right to object to the same. The parties are further notified that they must file any objections to the Report and Recommendation, with the clerk of the district court, pursuant to 28 U.S.C. § 636(b), within fourteen (14) days after receiving it. Failure to file objections may constitute a waiver of those objections on subsequent appellate review.

DATED this 11<sup>th</sup> day of May, 2011.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Samuel Alba', is written over a horizontal line.

Samuel Alba  
United States Magistrate Judge